

Amendment and Response

Applicant: Dale D. Timm et al.

Serial No.: 10/796,720

Filed: March 9, 2004

Docket No.: 200316152-1

Title: FLUID EJECTION DEVICE AND MANUFACTURING METHOD

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed May 11, 2006, in which claims 24-47 were withdrawn from consideration as being directed to a non-elected invention, claims 1-6, 11, 14, 15, and 17-23 were rejected, and claims 7-10, 12, 13, and 16 were objected to.

With this Amendment, claims 24-47 have been cancelled without prejudice, claims 48-63 have been added, and claims 1, 5, 7, 9, 14, 16, 17, 20, and 21 have been amended. Claims 1-23 and 48-63, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-6, 11, 14, 15, and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvath et al. US Patent No. 6,705,705.

With this Amendment, dependent claims 14 and 15 have been amended to depend directly or indirectly from allowable claim 16. The rejection of claims 14 and 15 under 35 U.S.C. 102(e), therefore, is rendered moot.

With this Amendment, independent claim 1 has been amended to clarify that the ink cartridge includes **"a printhead attached to the substratum and provided at least partially within the aperture, the printhead having a perimeter defined by opposite ends and opposite sides extended between the opposite ends,"** includes **"at least one connector extending from one of the ends of the printhead into the aperture,"** and includes **"at least one barrier that prevents the adhesive material from flowing along at least one of the sides of the printhead to locations away from the at least one connector."**

With this Amendment, independent claim 17 has been amended to clarify that the fluid ejection cartridge includes **"a substratum having a plurality of printheads attached thereto, each of the printheads having a perimeter defined by opposite ends and opposite sides extended between the opposite ends,"** includes **"at least one connector extending from one of the ends of each of the plurality of printheads to contacts provided on the substratum,"** and includes **"means for preventing the adhesive material from flowing along at least one of the sides of the printheads to locations away from areas near the at least one connector."**

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With respect to the Horvath et al. patent, Applicant submits that this patent does not teach or suggest an ink cartridge including at least one barrier that prevents adhesive material from flowing along at least one of the sides of the printhead to locations away from the at least one connector as claimed in independent claim 1, and does not teach or suggest a fluid ejection cartridge including means for preventing adhesive material from flowing along at least one of the sides of the printheads to locations away from areas near the at least one connector as claimed in independent claim 17.

In view of the above, Applicant submits that independent claims 1 and 17 are each patentably distinct from the Horvath et al. patent and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-6 and 11-13 further define patentably distinct claim 1, and dependent claims 18-23 further define patentably distinct claim 17, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-6, 11, and 17-23 under 35 U.S.C. 102(c) be reconsidered and withdrawn, and that claims 1-6, 11-13, and 17-23 be allowed.

Allowable Subject Matter

Claims 7-10, 12, 13, and 16 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 7 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). In addition, Applicant has added new claims 48-55 to depend directly or indirectly from rewritten independent claim 7. As rewritten claim 7 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 8 and 48-55 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 7 and 8 be withdrawn and that claims 7, 8, and 48-55 be allowed.

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With this Amendment, Applicant has rewritten allowable claim 9 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). In addition, Applicant has added new claims 56-63 to depend directly or indirectly from rewritten independent claim 9. As rewritten claim 9 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 10 and 56-63 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 9 and 10 be withdrawn and that claims 9, 10, and 56-63 be allowed.

With this Amendment, Applicant has rewritten allowable claim 16 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Accordingly, Applicant has amended claims 14 and 15 to depend directly or indirectly from rewritten independent claim 16. As rewritten claim 16 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 14 and 15 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 16 be withdrawn and that claims 14-16 be allowed.

Applicant appreciates the indicated allowability of claims 12 and 13. As outlined above, Applicant, however, has amended independent claim 1 (from which claims 12 and 13 depend) to clarify that the ink cartridge includes **"a printhead attached to the substratum and provided at least partially within the aperture, the printhead having a perimeter defined by opposite ends and opposite sides extended between the opposite ends,"** includes **"at least one connector extending from one of the ends of the printhead into the aperture,"** and includes **"at least one barrier that prevents the adhesive material from flowing along at least one of the sides of the printhead to locations away from the at least one connector."** As amended independent claim 1 is believed to be in allowable form, Applicant respectfully submits that claims 12 and 13 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 12 and 13 be withdrawn and that claims 12 and 13 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-23 and 48-63 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either James R. McDaniel at Telephone No. (858) 655-4157, Facsimile No. (858) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

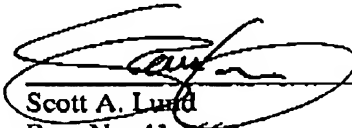
Respectfully submitted,

Dale D. Timm et al.,

By,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: August 11, 2006
SAL:hsf


Scott A. Lund
Reg. No. 41,166

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office. Fax No. (571) 273-8300 on this 11th day of August, 2006.

By 
Name: Scott A. Lund